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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RIVA ON THE RIVER HOMEOWNERS
ASSOCIATION,

Plaintiff,

v.

THE MANAGEMENT ASSOCIATION,
INC., DBA THE MANAGEMENT
TRUST, et al.,

Defendants.

Case No. 2:24-cv-02782-CSK

PRETRIAL SCHEDULING ORDER AND
ORDER DISMISSING DOE DEFENDANTS

READ THIS ORDER CAREFULLY. IT CONTAINS IMPORTANT DATES THAT
THE COURT WILL STRICTLY ENFORCE AND WITH WHICH ALL COUNSEL AND
PARTIES, INCLUDING THOSE PROCEEDING WITHOUT COUNSEL, MUST COMPLY.
FAILURE TO COMPLY WITH THE TERMS OF THIS ORDER MAY RESULT IN THE
IMPOSITION OF MONETARY AND ALL OTHER APPROPRIATE SANCTIONS.

On January 28, 2025, the Court conducted a status (pretrial scheduling)
conference in this matter. At the status conference, attorney Michael Ram and Jeffrey
Cereghino appeared on behalf of Plaintiff, and attorney Kevin Liu appeared on behalf of
Defendant. After considering the parties' joint status report (ECF No. 16), and the status

conference held, the Court issues the following pretrial scheduling order.¹

I. NATURE OF THE CASE

Plaintiff Riva On the River Homeowners Association initiated this putative class action on October 9, 2024. Compl. (ECF No. 1.) Plaintiff alleges Defendant The Management Association, Inc. DBA The Management Trust received earnings credits based on deposits belonging to Plaintiff and the putative Class in violation of its fiduciary duty. (*Id.* ¶ 1.) Plaintiff alleges the following claims against Defendant: (1) breach of contract; (2) unlawful business practice; (3) breach of fiduciary duty; (4) unfair business practice; and (5) unjust enrichment. (*Id.* ¶¶ 34-70.)

II. SERVICE OF PROCESS, JOINDER OF PARTIES, PLEADINGS AMENDMENT

All named Defendants have been served and have answered the Complaint. (ECF No. 16 at 2.) No further service, joinder of parties, or amendments to pleadings is permitted except with leave of Court, and only after good cause is shown.

The Court notes two hundred (200) Doe Defendants are named in the Complaint. (See Compl. at 1, ¶ 6.) The inclusion of such “Doe” defendants is generally disfavored in the Ninth Circuit. *Soo Park v. Thompson*, 851 F.3d 910, 928 n.21 (9th Cir. 2017) (citing *Gillespie v. Civiletti*, 629 F.2d 637, 642 (9th Cir. 1980)). In addition, in the parties’ Rule 26(f) report, Plaintiff states that it “has not yet identified additional Doe Defendants at this time and will thus dismiss them.” (ECF No. 16 at 2.) Plaintiff requests that “any deadline to join additional parties or to amend pleadings be set for a date that allows some discovery to be conducted.” (*Id.*) At the scheduling conference, Plaintiff again confirmed that dismissal of the Doe Defendants was appropriate. The Doe Defendants are hereby DISMISSED from this case, and should Plaintiff wish to amend to add additional named defendants after discovering their identities, Plaintiff may file a motion to amend and submit this motion for the Court’s review. No further service, joinder of parties, or amendments to pleadings is permitted except with leave of Court, and only after good

¹ This matter proceeds before the undersigned pursuant to 28 U.S.C. § 636(c) on the consent of all parties. (ECF Nos. 5, 10, 11.)

1 cause is shown.

2 **III. JURISDICTION/VENUE**

3 The parties assert that the Court has diversity jurisdiction under the Class Action
4 Fairness Act pursuant to 28 U.S.C. § 1332(d)(2). (ECF No. 16 at 1.) At the scheduling
5 conference, the Court raised the jurisdictional requirements in 28 U.S.C. § 1332(d)(4)
6 and instructed the parties to keep the Court informed regarding jurisdictional issues. At
7 this time, the Court finds diversity jurisdiction is proper. Venue is proper and undisputed.
8 (ECF No. 16 at 1.)

9 **IV. DISCOVERY DEADLINES AND PROCEDURES FOR DISCOVERY DISPUTES**

10 **A. Initial Disclosures**

11 The parties agreed to exchange Rule 26 Initial Disclosures on or before **January**
12 **17, 2025** by agreement. (ECF No. No. 16 at 3.) At the scheduling conference, parties
13 confirmed initial disclosures have been exchanged.

14 **B. Joint Mid-Discovery and Mediation Status Statement**

15 By **October 15, 2025**, all parties shall file with the Court a Joint Mid-Discovery
16 Statement summarizing the current status of discovery efforts. This statement shall
17 include discovery completed to date and identification of issues, if any, preventing
18 discovery from proceeding in a timely manner. The filing of this statement shall not
19 relieve the parties or counsel of their obligations to meet and confer, comply with the
20 deadlines set by the Court, and comply with the discovery procedures set by the Court.

21 **C. Non-Expert Discovery**

22 All non-expert discovery shall be completed by **May 5, 2026**. “Completed” means
23 (1) all non-expert discovery shall have been conducted, including written discovery and
24 depositions taken, and (2) any disputes related to discovery shall have been resolved by
25 appropriate order if necessary and, where discovery has been ordered, the order has
26 been complied with. Any discovery-related motions must conform to the requirements of

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1 the Federal Rules of Civil Procedure, this Court's Local Rules,² including Local Rule
2 251, and Judge Kim's Civil Standing Orders.³ Judge Kim hears civil motions on
3 Tuesdays at 10:00 a.m.

4 **D. Expert Discovery**

5 The parties shall disclose any expert witnesses in accordance with Federal Rule
6 of Civil Procedure 26(a)(2) no later than **April 21, 2026**. Any rebuttal expert disclosures
7 shall be made in accordance with Fed. R. Civ. P. 26(a)(2) no later than **May 26, 2026**.
8 Expert disclosures shall be served upon all parties. All expert discovery shall be
9 completed by **June 23, 2026**. "Completed" means (1) all expert discovery shall have
10 been conducted, including depositions taken, and (2) any disputes related to expert
11 discovery shall have been resolved by appropriate court order if necessary and, where
12 discovery has been ordered, the order has been complied with. The same procedures
13 for discovery disputes applies to non-expert and expert discovery.

14 An expert witness not timely disclosed will not be permitted to testify unless the
15 party offering the expert witness demonstrates that the failure was substantially justified
16 or is harmless. See Fed. R. Civ. P. 37(c). Upon discovery of any such expert witness,
17 the party offering the late disclosed expert witness must promptly notify all parties in
18 writing, promptly make the expert witness available for deposition, and promptly notify
19 the Court in a written filing. This filing must include the case deadlines for expert
20 disclosures, expert discovery cut-off, dispositive motions, final pretrial conference, and
21 trial. Failure to timely provide the information required by Fed. R. Civ. P. 26(a)(2) may
22 lead to preclusion of the expert's testimony or other appropriate sanctions. See Fed. R.
23 Civ. P. 37(c).

24
25 ² The Local Rules of the United States District Court for the Eastern District of California
26 are available on the district court's website:
<https://www.caed.uscourts.gov/caednew/index.cfm/rules/local-rules/>.

27 ³ Judge Kim's Civil Standing Orders are available on Judge Kim's webpage on the
28 district court's website: <https://www.caed.uscourts.gov/caednew/index.cfm/judges/all-judges/united-states-magistrate-judge-chi-soo-kim-csk/>.

1 **E. Discovery Disputes**

2 Prior to filing any discovery-related motions, the parties are required to meet and
3 confer in good faith in an attempt to resolve their discovery disputes informally and
4 without Court intervention. Such meet and confer shall take place in person, by
5 telephone, or by video. The mere exchange of letters or e-mails alone is not sufficient.
6 As part of their joint statement related to a discovery motion submitted pursuant to Local
7 Rule 251, the parties shall also specifically outline: (a) what meet-and-confer efforts were
8 taken, including when and where such discussions took place, who participated, how the
9 parties' disputes were narrowed as a result of such discussions; and (b) a summary of
10 discovery completed to date. Failure to comply with these requirements may result in
11 summary denial of any discovery motion.

12 The Court strongly encourages the use of informal telephonic discovery
13 conferences with the Court in lieu of formal discovery motion practice. The procedures
14 and conditions for requesting and conducting such an informal telephonic discovery
15 conference are set forth in Judge Kim's Civil Standing Orders. In addition, and subject to
16 availability, the Court will rule on disputes encountered during oral depositions. If a
17 dispute arises during the deposition, the parties may contact Judge Kim's Courtroom
18 Deputy at (916) 930-4187 to inquire regarding Judge Kim's availability. However, the
19 parties are cautioned that these informal procedures are not to be abused, and the Court
20 may impose appropriate sanctions.

21 **V. MOTIONS**

22 The parties proposed a briefing and hearing schedule for class certification, which
23 the Court adopts as follows: A motion for class certification shall be filed by **September**
24 **5, 2025** and heard on **March 3, 2026**. An opposition to the motion shall be filed by
25 **December 8, 2025**, with a reply due **February 6, 2026**. (ECF No. 16 at 3, 4.)

26 With the exception of class certification, all pretrial law and motion, including
27 motions for summary judgment under Fed. R. Civ. P. 56, shall be filed by **June 30, 2026**
28

1 and heard by **August 4, 2026**.⁴

2 Dispositive motions must be filed following the procedures of Local Rules 230 and
3 260, and Judge Kim's Civil Standing Orders. Counsel and parties proceeding without
4 counsel should pay particular attention to the rules for Statements of Undisputed Facts
5 for motions for summary judgment, cross motions for summary judgment, and general
6 brief requirements in the Local Rules and Judge Kim's Civil Standing Orders. If both
7 Plaintiff and Defendant intend to file motions for summary judgment, the parties must
8 follow the schedule and requirements set out in Judge Kim's Civil Standing Orders for
9 cross motions for summary judgment.⁵ Judge Kim generally hears civil motions on
10 Tuesdays at 10:00 a.m. This paragraph does not apply to motions for continuances,
11 motions in limine related to trial, temporary restraining orders, or other emergency
12 applications, for which the Court may set a special briefing schedule, if necessary or
13 appropriate.

14 All purely legal issues are to be resolved by timely pretrial motion. The purpose of
15 law and motion is to narrow and refine the legal issues raised by the case, as well as to
16 dispose of those issues that can be resolved by pretrial motion. Motions in limine should
17 address trial-related issues, such as the admissibility of evidence. The Court will look
18 with disfavor upon dispositive motions or other substantive legal motions presented as
19 motions in limine at the time of trial.

20 **VI. SETTLEMENT CONFERENCE**

21 If the parties want to conduct a settlement conference with a magistrate judge,
22 they are to contact the undersigned's courtroom deputy at (916) 930-4187 or
23 awaldrop@caed.uscourts.gov, to inquire as to the availability of another magistrate

24
25 ⁴ Pursuant to Local Rule 230(b), a motion set for hearing on August 4, 2026 must be
26 filed by June 30, 2026, which is 35 days before the hearing date. Please note that Judge
Kim has a separate schedule for cross motions for summary judgment, which is set out
in her Civil Standing Orders.

27 ⁵ Pursuant to Judge Kim's Civil Standing Orders, if both Plaintiff and Defendant intend
28 to file motions for summary judgment, Plaintiff's opening summary judgment motion must
be filed by June 16, 2026.

1 judge for a settlement conference. Parties should communicate the specific time frame
2 when they would like the settlement conference held.

3 **VII. FINAL PRETRIAL CONFERENCE AND TRIAL**

4 The final pretrial conference is set for **December 14, 2026** at 10:00 a.m. and trial
5 is set for **January 25, 2027** at 9:30 a.m. in Courtroom No. 25 before United States
6 Magistrate Judge Chi Soo Kim. Trial counsel must appear at the final pretrial conference.
7 At the final pretrial conference, the Court will set the deadlines for other trial-related
8 deadlines, including the submission of exhibits.

9 **A. Meet and Confer**

10 At least 28 days before the final Pretrial Conference, lead counsel who will try the
11 case shall meet and confer with respect to the following subjects: (1) settlement of the
12 case; (2) preparation of the joint pretrial filings; and (3) clarifying and narrowing the
13 contested issues for trial. Counsel in close geographical proximity are encouraged to
14 meet in person.

15 **B. Joint Pretrial Statement**

16 The parties shall file a joint pretrial statement pursuant to Local Rule 281(a)(2).
17 The joint pretrial statement must be filed no later than twenty-one (21) days before the
18 date set for the final pretrial conference and must also be emailed as a Word document
19 to CSKorders@caed.uscourts.gov. **Separate pretrial statements are not permitted**
20 **unless a party is not represented by counsel.**

21 The pretrial statement must cover all topics identified in Local Rule 281 with the
22 following additions and clarifications:

- 23 1. Statement of the Case: A concise, joint statement of the case must be
24 included.
- 25 2. Trial Length Estimate: An estimate of the length of trial must also be
26 included. Unless otherwise ordered, trial hours will be from 9:30 a.m. to
27 4:30 p.m., Monday through Friday.
- 28 3. Procedural Status: A concise summary of the procedural status of the

case must be included, including the disposition of any motions and whether any motions are still pending.

4. Factual Issues: The undisputed facts and disputed factual issues shall be set forth in separate sections of the pretrial statement. Each fact or factual issue should be numbered. For disputed factual issues, identify the cause of action or defense to which the factual issue is related.
5. Points of Law: In the points of law section of the pretrial statement, include the elements for each cause of action and each defense, with citation to the relevant legal authority.
6. Motions In Limine: The parties shall also identify the motions in limine each party reasonably anticipates filing.
7. Witness Lists: Each party's witness list must be submitted as a separate attachment to the pretrial statement, and labeled as such. The witness list must include the witness's name; the witness's title or position; whether the testimony is offered in-person or by deposition; whether the witness is designated as an expert; and a concise statement of the anticipated subjects of testimony. Pursuant to Local Rule 281, only individuals on the witness list submitted with the pretrial statement will be permitted to testify at trial, except as may be otherwise provided in the pretrial order. The witness's address does not need to be included.
8. Exhibit Lists: Each party's exhibit list must be submitted as a separate attachment to the pretrial statement, and labeled as such. Plaintiff's exhibits shall be listed numerically; Defendant's exhibits shall be listed alphabetically. All exhibits must be individually identified with specificity, including a reasonable amount of detail such that other parties can identify each exhibit, including exhibit name/title, document/file date, bates numbers, and a concise description of the exhibit. Groups or categories of documents/records may not be listed as a single exhibit (e.g., it is improper

1 to list “Initial Disclosure Documents,” “Cell phone records,” etc. as a single
2 exhibit). Pursuant to Local Rule 281, only exhibits on the exhibit list
3 submitted with the pretrial statement will be permitted to be offered at trial,
4 except as may be otherwise provided in the pretrial order. The parties are
5 instructed to refer to and follow the Court’s Jury Trial Procedures available
6 on Judge Kim’s webpage on the district court’s website:

7 [https://www.caed.uscourts.gov/caednew/index.cfm/judges/all-](https://www.caed.uscourts.gov/caednew/index.cfm/judges/all-judges/united-states-magistrate-judge-chi-soo-kim-csk/)
8 [judges/united-states-magistrate-judge-chi-soo-kim-csk/](https://www.caed.uscourts.gov/caednew/index.cfm/judges/all-judges/united-states-magistrate-judge-chi-soo-kim-csk/). This document
9 includes important instructions and requirements for exhibit lists.

- 10 9. Further Discovery or Motions: Inclusion of a section regarding further
11 discovery or motions in the pretrial statement pursuant to Local Rule
12 218(b)(13) will not be interpreted as a motion to request further discovery,
13 a request to modify the scheduling order or any other order issued for this
14 case, or as an actual motion or request. The parties must continue to follow
15 the scheduling order(s) for this case, the Local Rules, and the Court’s
16 standing orders to request further discovery or a modification of the
17 scheduling order(s).

18 **C. Motions In Limine**

19 Motions in limine shall be filed by the close of business fourteen (14) days before
20 the date set for the final pretrial conference. Any opposition shall be filed by the close of
21 business seven (7) days before the date set for the final pretrial conference. No replies
22 shall be filed.

23 Briefing for motions in limine shall be limited to 25 pages total for each side. Each
24 motion in limine should be numbered and clearly identified. For example, “Plaintiffs’
25 Motion in Limine No. 1 Re: [subject].” The brief shall include a table of contents at the
26 beginning that lists each motion in limine and the page number on which the motion
27 begins.

28 Briefing for oppositions/ responses to motions in limine shall also be limited to 25

1 pages total for each side. Each opposition/ response should be numbered and clearly
2 identified. For example, “Defendants’ Opposition to Plaintiffs’ Motion in Limine No. 1 Re:
3 [subject].” The brief shall also include a table of contents at the beginning that lists each
4 motion in limine opposition/ response and the page number on which the opposition/
5 response begins.

6 The parties should be prepared to argue their motions in limine at the final pretrial
7 conference. The Court will endeavor to rule on motions in limine before trial begins to
8 assist the parties in their trial preparations.

9 **D. Proposed Voir Dire, Jury Instructions, and Verdict Forms**

10 The parties must file proposed voir dire questions, proposed joint jury instructions,
11 and proposed joint verdict forms by the close of business fourteen (14) days before the
12 date set for the final pretrial conference. The parties must also email these filings as
13 Word documents to CSKorders@caed.uscourts.gov. The parties should be prepared to
14 address the proposed voir dire questions, jury instructions, and verdict forms at the final
15 pretrial conference. **The parties are instructed to refer to and follow the Court’s Jury**
16 **Trial Procedures** available on Judge Kim’s webpage on the district court’s website:
17 [https://www.caed.uscourts.gov/caednew/index.cfm/judges/all-judges/united-states-](https://www.caed.uscourts.gov/caednew/index.cfm/judges/all-judges/united-states-magistrate-judge-chi-soo-kim-csk/)
18 [magistrate-judge-chi-soo-kim-csk/](https://www.caed.uscourts.gov/caednew/index.cfm/judges/all-judges/united-states-magistrate-judge-chi-soo-kim-csk/). This document includes important instructions and
19 requirements for the submission of joint proposed joint jury instructions.

20 **Proposed voir dire questions, jury instructions, and verdict forms should not be*
21 *submitted in cases tried to the bench.*

22 **E. Trial Briefs**

23 Parties are not required to file trial briefs. If a party chooses to file a trial brief, it
24 shall not be longer than five pages and shall be filed no later than by the close of
25 business fourteen (14) days before the date set for the final pretrial conference. Trial
26 briefs shall not duplicate the contents of the joint pretrial statement and proposed order.

27 **F. Courtesy Copies**

28 Two binders containing courtesy copies of the Joint Pretrial Statement, witness

1 lists, exhibit lists, proposed voir dire questions, proposed joint jury instructions, proposed
2 joint verdict forms, motions in limine, and optional trial briefs must be delivered to the
3 Clerk's office by noon thirteen (13) days before the date set for the final pretrial
4 conference. This is the day after the filing deadline for the proposed voir dire questions,
5 proposed jury instructions, proposed verdict forms, motions in limine, and optional trial
6 briefs. *Parties should coordinate so that only two courtesy copies are submitted, rather*
7 *than submitting separate courtesy copies from each party.* Parties do not need to provide
8 courtesy copies of the motion in limine oppositions.

9 All courtesy copies must be double-sided, three-hole punched at the left margin,
10 and marked with the ECF stamp (case number, document number, date, and page
11 number) on the top of each page. These binders shall include labeled side tabs, and be
12 clearly marked "Chambers Copy – Do Not File" with Judge Kim's name, the case
13 number, and the case name.

14 **G. Trial**

15 A jury trial is set for **January 25, 2027** at 9:30 a.m., in Courtroom No. 25. The
16 parties estimate 5-10 days for trial. (ECF No. 16 at 4.) At the scheduling conference,
17 Plaintiff raised the possibility of a claim that will be tried to the bench. As the Court
18 informed the parties at the scheduling conference, if there are any claims tried to the
19 bench, both jury and bench claims will be presented together at trial without bifurcation.

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VIII. SCHEDULE SUMMARY

Event	Deadline
Initial Disclosure Exchange	January 17, 2025
Motion for Class Certification	September 5, 2025
Joint Mid-Discovery and Mediation Status Report	October 15, 2025
Opposition to Motion for Class Certification	December 8, 2025
Reply to Motion for Class Certification	February 6, 2026
Hearing on Motion for Class Certification	March 3, 2026
Expert Disclosures	April 21, 2026
Rebuttal Expert Disclosures	May 26, 2026
Non-Expert Discovery Completion	May 5, 2026
Expert Discovery Completion	June 23, 2026
If cross-motions for summary judgment, ⁶ Plaintiff's Summary Judgment Motion Filed By	June 16, 2026
If no cross-motions for summary judgment, Dispositive Motion Filed By	June 30, 2026
Dispositive Motions Heard By	August 4, 2026
Joint Pretrial Statement Filed By	21 days before the FPTC
Motions In Limine Filed By	14 days before the FPTC
Final Pretrial Conference ("FPTC") and Motions In Limine Hearing	December 14, 2026
Jury Trial (5-10 days)	January 25, 2027

IX. MODIFICATIONS OF THIS SCHEDULING ORDER

This case schedule will become final without further order of the Court unless written objections are filed within fourteen (14) days of the entry of this order. The parties

⁶ If both Plaintiff and Defendant intend to file motions for summary judgment, the parties must follow the schedule set out in Judge Kim's Civil Standing Orders for cross-motions for summary judgment.

1 are reminded that pursuant to Federal Rule of Civil Procedure 16(b)(4), this order shall
2 not be modified except by leave of Court upon a showing of "good cause." See *Johnson*
3 *v. Mammoth Recreations, Inc.*, 975 F.2d 604 (9th Cir. 1992). Agreement by the parties
4 pursuant to a stipulation does not constitute good cause. Nor does the unavailability of
5 witnesses or counsel, except in extraordinary circumstances, constitute good cause.
6 Requests or stipulations to continue dispositive motion deadlines, the final pretrial
7 conference, or trial dates must establish good cause and are not granted lightly.

8 Any request or stipulation to modify this scheduling order must set forth the
9 following:

- 10 1. the existing due date or hearing date as well as the discovery cutoff date, the last
11 date for hearing motions, the final pretrial conference date, and the trial date;
- 12 2. whether there have been prior requests for extensions, and whether these were
13 granted or denied by the Court; and
- 14 3. specific, concrete reasons supporting good cause for granting the extension. For
15 example, if the reason for the requested extension is that it "will promote
16 settlement," the requesting party or parties must indicate the status of negotiation
17 efforts (e.g., whether a mediator has been selected, a mediation has been
18 scheduled, etc.).

19 Dated: January 30, 2025

20 
21 CHI SOO KIM
22 UNITED STATES MAGISTRATE JUDGE

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